

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

RAY CHARLES SCHULTZ, *et al.*,
Plaintiffs,

v.

STATE OF ALABAMA, *et al.*,
Defendants.

Case No. 5:17-cv-00270-MHH

(Class Action)

BRADLEY HESTER,
Intervenor-Plaintiff,

v.

MATT GENTRY, *et al.*,
Intervenor-Defendants

STATUS REPORT

On September 30, 2022, this Court entered an order stating that it would set this matter for a telephone status conference after the Eleventh Circuit issued its mandate in this case [Doc. 258]. On December 19, 2022, after the Eleventh Circuit issued its mandate and in anticipation of the telephone status conference, counsel for the Parties met and conferred about how to proceed in this action following the Eleventh Circuit's decision in *Schultz v. Alabama*, 42 F. 4th 1298 (11th Cir. 2022). Following that meeting, the Parties submit the following Status Report:

I. Participants

On December 19, 2022, the Parties conferred regarding the impact *Schultz v. Alabama*, 42 F. 4th 1298 (11th Cir. 2022), has on this case. In attendance for the parties were:

For Plaintiff Mr. Hester: Micah West, Katherine Hubbard, Alec Karakatsanis, Latisha Gotell Faulks, Alison Mollman, and Brandon Buskey

For Defendant Sheriff Gentry: Jamie Kidd

For Defendants Amy Black, Chad Floyd, Lisa McSwain, Rusty Turner, and Joan White (collectively “Judicial Defendants”): Brad Chynoweth and Brenton Smith

II. Parties’ Perspective on How to Proceed with the Case After *Schultz v. Alabama*

Counsel for Mr. Hester informed Defendants that he is considering filing a Petition for Writ of Certiorari (“Petition”) in the United States Supreme Court. Mr. Hester has not made a final decision about whether to do so. The current deadline to file a Petition is February 16, 2023. Because a Supreme Court decision may impact the outcome of this case, Plaintiff proposes that the Court stay these proceedings until any Petition is resolved or he decides not to file one.

Counsel for Defendants do not oppose a stay until any Petition is resolved or Mr. Hester decides not to file a Petition.

Dated: January 6, 2023.

Respectfully submitted,

/s/ Micah West

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On behalf of Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing was filed through the Court's CM/ECF filing system, and by virtue of this filing notice will be sent electronically to all counsel of record.

Dated: January 6, 2023.

Micah West